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Veterans Administration

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Legislative Status Report 99th Congress

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The Legislative Status Report is produced by the Office of the General Counsel, Legislative Reference and Research Section, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Published monthly--budgetary considerations permitting--when Congress is in session, it includes reports on the legislative status of bills under consideration, laws recently enacted, and congressional hearings of interest to the VA. Please note that due to the budget restrictions imposed by the Deficit Reduction Act of 1984, issues are no longer cumulative and quantities are limited. Synopses of completed committee action, House or Senate action, and congressional hearings are printed only in the current issue and then repeated in the final edition for each Congress. We are no longer able to supply individual subscriptions or multiple copies to individual organizations. This issue covers most actions from the August recess through the end of the 99th Congress, subject to availability of legislative source materials. Legislative measures for which materials were unavailable at press time will be covered in the cumulative issue. The next cumulative issue will be the final edition for the 99th Congress, and will be published in December 1986. Questions or comments may be directed to:

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HOUSE BILLS

H.R. 1426 Indian Health Care Amendments of 1986

On September 18, 1986, the House passed H.R. 1426, which would improve health services aimed at Native American Indians. Native American Indians suffer a mortality rate which is higher than the national average, and a great percentage are extremely poor and are unable to afford medical care.

This bill would reauthorize the 1976 Indian Health Care Improvement Act for four more years and provide health care and education to bring the level of Indian health care to a level equal to that of the rest of the nation.

This measure contains a provision affecting VA's health-care facilities and services. Specifically, the Secretary of the Interior would be instructed to prepare a feasibility study on the sharing of medical facilities between the Indian Health Service and the VA. The limitations on this feasibility study are that no recommendation be made which would impair: (1) access priority of an Indian to get health care at Indian Health Service facilities and the quality of that care; (2) access priority of a veteran to VA facilities and the quality of that care; (3) eligibility of an Indian to get treatment by the Indian Health Service; or (4) eligibility of Indian veterans to get health services through the VA.

LEGISLATIVE HISTORY:

March 5, 1985	**Introduced in the House by Rep. Udall (D-AZ)**
May 14	**Reported out by the House Committee on Interior and Insular Affairs, H. Rept. No. 99-94, Pt. I**
May 23	**Reported out by the House Committee on Energy and Commerce, H. Rept. No. 99-94, Pt. II**
September 18, 1986	**Passed the House by Roll Call Vote No. 396 — 308 yeas, 70 nays, and 52 not voting This measure incorporated H.R. 5222**
September 25	**Reported out by Senate Select Committee on Indian Affairs (no written report)**
October 8	**Passed the Senate, with amendments, by a voice vote**
October 10	**The House agreed to Senate amendments, with an amendment**
October 18	**The Senate agreed to the House amendment, with a further amendment**

H.R. 1755 Private Relief Bill for 10 National Guard Technicians

On September 16, 1986, the House passed H.R. 1755, which would grant private relief to the following 10 Massachusetts National Guard technicians: David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson. This bill would provide $33,431.23 to these individuals who were erroneously enrolled in the Federal Civil Service Retirement system.

The National Guard Technicians Act of 1968 permitted National Guard technicians to make a one-time election to either remain with their State retirement system or join the Federal Civil Service retirement system. At the time that Act took effect, in January 1969, the 10 technicians elected to remain with the State system. The Massachusetts National Guard wrongly advised the technicians that, if they stopped working for the Massachusetts National Guard and were later rehired, they could participate in the Federal retirement system. The individuals followed that advice, and upon being rehired, withdrew their contributions to the State retirement system and placed them into the Federal system.

The error was discovered in 1977, and the retirement funds were transferred back to the State system. However, the State requires that, when funds are withdrawn from its State retirement fund and later repaid, the funds be repaid with interest for the period they were out of the fund. H.R. 1755 would pay for the interest that would have accrued on each individual's account had the funds remained in the State retirement system.

LEGISLATIVE HISTORY:

March 26, 1985	Introduced in the House by Rep. Frank (D-MA)
August 11, 1986	Reported out by the House Committee on the Judiciary, H. Rept. No. 99-780
September 16	Passed the House by voice vote

H.R. 2482 (S. 2792) Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1986

On October 6, 1986, the Senate passed H.R. 2482, an omnibus pesticide bill, which would make various changes governing pesticide registration and standards. The Senate passed version of this bill contains the language of S. 2792 and includes provisions which affect homeless veterans.

The bill, as passed by the Senate, would clarify homeless individuals' eligibility for certain benefits. Title XI of the bill, entitled the Homeless Eligibility Clarification Act, would specify that eligible homeless persons cannot be denied veterans benefits because they do not have a fixed address. The bill would amend 38 U.S.C. § 3003 to clarify that VA benefits may not be denied to an applicant just because the applicant does not have a mailing address. This provision would be effective upon enactment of this measure. This bill would also add a new subsection to 38 U.S.C. § 3020 to require the Administrator to prescribe appropriate methods to deliver veterans' benefits payments to VA beneficiaries with no mailing address. This provision would be effective October 1, 1986. VA policy traditionally provides for mailing of VA benefit payments to post office boxes, General Delivery at Post Offices, homeless shelters, and other addresses in care of a family member, church, or school. (A similar provision regarding VA benefit payments to homeless veterans was enacted in the Omnibus Drug Enforcement, Education, and Control Act of 1986, Pub. L. No. 99-570.)

Also of interest, is a provision of the bill which would include homeless individuals as a target group for Job Training Partnership Act programs.

The House passed its version of H.R. 2482 on September 19, 1986. That version did not contain provisions that would specifically affect veterans.

LEGISLATIVE HISTORY:

May 14, 1986	H.R. 2482 introduced in the House by Rep. Bedell (D-IA)
July 18	H.R. 2482 reported out by the House Committee on Agriculture, H. Rept. No. 99-695

August 3	S. 2792 introduced in the Senate by Sen. Helms (R-NC)
	S. 2792 reported out by the Senate Committee on Agriculture, Nutrition, and Forestry, S. Rept. No. 99-424
September 19	H.R. 2482 passed the House on Roll Call Vote No. 400 — 329 yeas, 4 nays, and 98 not voting
October 6	S. 2792 passed the Senate by voice vote
	H.R. 2482 passed by the Senate with the text of S. 2792, by voice vote

H.R. 3077 Inspector General Act Amendments of 1986

On September 22, 1986, the House passed H.R. 3077, which would establish Inspector Generals (IG's) in the Justice Department, the Treasury Department, and the Federal Emergency Management Agency. The bill would also make other changes to the Inspector General Act of 1978.

This measure would extend certain provisions of the Inspector General Act of 1978 to audit and investigative units in agencies that do not have statutory IG's. For those agencies, such as the VA, with statutory IG's, the bill would standardize the information required in the agencies' semi-annual reports to Congress and would establish uniform definitions for terms used in the reports. (These reports are due April 30 and October 31 of each year.)

Other provisions of H.R. 3077 would authorize IG's to administer oaths to individuals who voluntarily supply sworn statements. Currently, IG's must call on someone else to administer oaths, which can be time consuming. With regards to pay for IG's, the bill would place all IG's at Executive Schedule Level IV; in the past, some IG's were placed at Level V while others were placed at Level IV.

LEGISLATIVE HISTORY:

July 23, 1985	Introduced in the House by Rep. Brooks (D-TX)
September 16, 1986	Reported out by the House Committee on Government Operations, H. Rept. No. 99-828
September 22	Passed the House by voice vote

H.R. 4039 Red River Valley Fighter Pilots Association

On September 29, 1986, the House passed H.R. 4039, which would grant a Federal charter to the Red River Valley Fighter Pilots Association. Incorporated in the State of Kansas in 1969, the group, also known as the "River Rats," is comprised of over 4,000 members, most of whom were involved in combat along the Red River Valley in Vietnam. Originally conceived in 1967 for the purpose of increasing air-crew effectiveness and reducing combat losses, this Association is currently working to expand public awareness of the plight of former prisoners of war and of American service members who are still missing-in-action in Southeast Asia.

Currently, one of the River Rats' most important endeavors is a scholarship program for children of American M.I.A.'s. The Association has also provided scholarships to children of service members who were killed in the attempt to rescue the hostages in Iran in 1980 and in the recent raid on Libya. The group has provided some form of financial assistance to over 400 children.

Enactment of H.R. 4039 would recognize the corporate rights of the organization established under existing State charters and would reinforce compliance with State laws governing service of process. The organization would be subject to an audit every year, as established by 36 U.S.C. § 1101, and would be required to report annually to the Congress on its activities of the previous year.

LEGISLATIVE HISTORY:

January 28, 1986	Introduced in the House by Rep. McCain (R-AZ)
June 23	Reported out by the House Committee on the Judiciary, H. Rept. No. 99-931
September 29	Passed the House by voice vote

H.R. 4350 Wild and Scenic Rivers Act Amendments

On October 16, 1986, the Senate passed H.R. 4350, which would amend the Wild and Scenic Rivers Act to provide wild and scenic designations for segments of several rivers. The Senate amended the original version of the bill to authorize memorials to honor Black Revolutionary War Patriots and Women members of the Armed Forces, and the House concurred with these Senate amendments.

The bill would authorize the Black Revolutionary War Patriots Foundation to establish a memorial to honor the estimated 5,000 free and enslaved blacks who fought in the American Revolution. The bill would also authorize the Women in Military Service for America Memorial Foundation to establish a memorial to honor women who served in the U.S. Armed Forces. Currently there are approximately 1.4 million women veterans.

Under the provisions of the bill, the Federal Government would provide land in the District of Columbia, or its environs, for these memorials; however, funding for the actual memorial would come from private sources. These memorials would serve to honor the contributions made by these two often unrecognized segments of the military population. Two other measures, H.J. Res. 36 and H.J. Res. 162, would also authorize these memorials.

LEGISLATIVE HISTORY:

March 6, 1986	Introduced in the House by Rep. Vento (D-MN)
March 30	Reported out by the House Committee on Interior and Insular Affairs, H. Rept. No. 99-503
April 8	Passed the House by voice vote
September 12	Passed the Senate, as amended, by voice vote
October 8	House agreed to Senate amendments, with an amendment
October 15	Senate agreed to House amendment, with an amendment
October 16	House agreed to Senate amendment

H.R. 4862 Freedom of Information Act Amendments of 1986

The House, on September 22, 1986, passed H.R. 4862, which would amend the original Freedom of Information Act (FOIA) regarding information that suppliers claim is confidential. These amendments would allow a Federal agency to decide what classes of information, as a rule, are disclosable and allow the supplier to mark material they believe to be confidential and, as such, non-disclosable. This bill would make it mandatory that before disclosing any information, agencies notify the submitters and allow them time to object to the disclosure.

The bill would also make several changes regarding judicial review of agency FOIA decisions. These changes would allow a cause of action to enjoin disclosure to be brought under FOIA instead of under the Administrative Procedure Act, and also would establish a statute of limitations, and allow for right of intervention, de novo review and assessment of reasonable attorney's fees.

LEGISLATIVE HISTORY:

May 21, 1986	Introduced in the House by Rep. English (D-OK)
September 17	Reported out by the House Committee on Government Operations, H. Rept. No. 99-832
September 22	Passed House on a voice vote

H.R. 5299 (S. 2922) Veterans' Benefits Improvement and Health-Care Authorization Act of 1986

On October 7, 1986, the Senate agreed to the House amendments to H.R. 5299, clearing the measure for the President. H.R. 5299 would provide a cost-of-living adjustment (COLA) for certain compensation benefits and make other changes in several VA programs, including compensation, health benefits, education, employment, housing, and national cemeteries. This bill would make improvements in the VA's home loan guaranty program, revise the VA's authority to construct and operate parking facilities at its medical facilities, authorize the VA to contract for psychiatric residential treatment for certain chronically mentally ill veterans, authorize the VA to provide respite care for certain veterans, allow the VA to contract for health-related services for certain veterans, require the Administrator to establish an ionizing radiation registry, and make technical and other changes to title 38.

Cost-of-Living Adjustments (COLA's)

The bill would provide a 1.3 percent COLA increase for disability compensation and dependency and indemnity compensation (DIC) rates for veterans and their survivors. (The House originally passed a 2 percent increase COLA for these programs; however, it later adopted the Senate passed 1.3 percent increase.) H.R. 5299 would also increase the clothing allowance for certain disabled veterans. These provisions would be effective December 1, 1986, however, under provisions of H.R. 5299, this COLA could only be granted if a COLA increase is also provided to certain Social Security beneficiaries.

Health-Care Related Provisions

Benefits for Former POW's

The bill would amend 38 U.S.C. § 312(b) to add two ailments to the list of conditions presumed to be service connected when suffered by former POW's. Specifically, the bill would add residuals of frostbite, when the veteran was interned in a climate where frostbite could occur, and post-traumatic osteoarthritis to the list of ailments assumed to be service-connected. This provision would be effective October 1, 1986. The bill, as it originally passed the Senate, would have also added an irritable bowel syndrome to this list; a House passed bill, H.R. 4333, would have added hypothermia, spastic colon, and trauma-induced arthritis, and would have reduced the time of internment required to receive VA furnished dental care under 38 U.S.C. § 612(b)(1).

Paired Organs or Extremities

The "paired organs" provisions of title 38 apply when a veteran has a service-connected disability for one organ (such as an eye or a kidney) and has a non-service connected loss of, or loss of use of, the matching organ. Under this provision, VA benefits are paid as if both organs were lost due to service-connected causes. H.R. 5299 would amend 38 U.S.C. § 360 to include additional organs under the "paired organ" provisions. The bill would add the loss of, or loss of use of, the following organs to this section: kidney, hand, foot, or lung. It would also add blindness and deafness to this list. This provision would effect compensation awards made after enactment of this measure.

Respite Care

In the past, the VA has furnished respite care to eligible seriously ill veterans, to allow the veterans' caretakers a period of rest and relief. This program allows the patient to remain primarily at home, so that institutionalization can be postponed or prevented. H.R. 3299 would provide clear authority for the VA to furnish respite care to eligible veterans through September 30, 1989, and the Administrator would be required to evaluate the program's effectiveness and submit an evaluation and recommendations to Congress by February 1, 1989. (A similar provision is also included in H.R. 4623.)

Other Health-Care Related Provisions

This measure contains various other health-care related provisions including the following:

(1) The VA would be authorized to provide home health-care services to eligible veterans in any setting where the veteran is residing.

(2) The VA would be authorized, under certain circumstances, to provide counseling for family members of a deceased veteran, for a limited period of time following the veteran's death.

(3) The bill would allow a one-year extension for the required transition of the readjustment counseling centers from independent status, offered at free-standing facilities (Vet Centers), to operating primarily out of VA medical facilities.

(4) Payments received by participants in VA therapeutic and rehabilitative activities under 38 U.S.C. § 618 would be treated as "distributions" and would not be considered income for VA pension purposes.

(5) The bill would extend the VA's authority to contract for care at the Veterans Memorial Medical Center (VMMC) in the Philippines until September 30, 1989. This authority expired on September 30, 1986, and would ratify contracting activities which occurred after September 30, 1986. The bill would require the Administrator to report to Congress on the use of these funds; the reports would be due February 1, 1987, 1988, and 1989.

(6) The measure would allow VA police officers to enforce Federal laws, and State and local traffic laws on VA grounds.

(7) Permanent authority would be provided for the VA's Regional Medical Education Centers (REMC's), which provide continuing medical education and training for VA health-care personnel. H.R. 3299 would also remove certain restrictions imposed on this program.

(8) The VA's authority to make grants to States for the construction, acquisition, or alteration of State Homes would be extended for 3 years, until September 30, 1989. State Homes provide domiciliary, nursing home, and hospital care for veterans. The bill would also remove the current limitation on the amount of State grants; provide for priority for grants to be given to States which have already appropriated some funds for a State Home project or which have no State Homes; and authorize the appropriation of "such sums as are necessary to carry out this program." These provisions would be effective July 1, 1987.

(9) The bill would simplify how the period of obligation under the VA's Health Professional Scholarship Program is calculated for part-time students. Part-time student participants would be required to provide 6 months of service per calendar year or part of calendar year for which the student was given a scholarship.

(11) The Administrator would be authorized to make temporary and part-time appointments of more than 1 year for certified or registered respiratory therapist, and licensed physical therapists, licensed practical or vocational nurses under 38 U.S.C. § 4104(a). The waiving of certain licensure requirements for psychologists who do not have patient-care responsibilities would also be permitted by this measure.

(12) The Administrator would be required to consider sharing health-care resources with DOD as an alternative to construction, alteration, or acquisition of a medical facility expected to cost over $2 million.

(13) The Administrator would be required to confer with the CMD and to consider the CMD's plans and recommendations before submitting the annual report on facilities construction to Congress.

(14) The VA's authority to construct and operate parking facilities at its medical facilities would be revised by H.R. 3299. The bill would also require the Administrator to prescribe and collect parking fees and would authorize appropriations for the Parking Facility Revolving Fund.

(15) Within 90 days of enactment of this legislation, the Administrator would be required to submit to Congress a report on DM&S plans for establishing and administering a national drug file, including an agency-wide reclassification and inventory system for all drugs used by the VA.

(16) The Administrator would be required to pay a stipend to certain participants in a study of post-war psychological problems of Vietnam-era veterans. This provision is intended to promote participation in the study so that there are a sufficient number of study subjects.

(17) The bill would prohibit the excessing of certain properties before January 1, 1988. Specifically, the VA would be prohibited from declaring as excess, the VAMC, West Los Angeles, California (109 acres) and the VAMC in Sepulveda, California (46 acres).

(18) The Administrator would be required to report to Congress on treatment and services for chronically ill veterans, due December 15, 1987.

(19) The VAMC at Phoenix, Arizona, would be renamed for a former Senator and advocate for veterans' issues, Carl T. Hayden.

(20) The bill would require Medicare hospitals to participate in VA contract health care. This provision would be effective June 30, 1987.

(21) The VA would be required to establish a centralized register of names of veterans who have filed claims for health care or compensation benefits based on their exposure to ionizing radiation. This register would be required to be established within 80 days after enactment of this measure, and DOD would be instructed to assist the VA by providing information the Administrator deems necessary to establish and maintain this registry.

Health-care Related Reporting Requirements

This bill would make changes in several of the VA's reporting requirements. With respect to a report on special pay, relating pay comparability for VA physicians and dentists, the bill would amend current requirements to require a report on December 31, 1988, and again every 4 years. The bill would also eliminate a report requirement for contract dental care in any year that the information regarding expenditures for the contract dental care program is included in the VA's portion of the President's budget. A provision that would have eliminated a reporting requirement for cases in which equitable relief was granted was included in the Senate passed bill (S. 2422), however, this provision was not included in the version finally agreed upon by both Houses.

Education

The bill would make changes in several VA education programs. It would allow certain veterans to receive benefits under the new GI Bill or the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) while participating in apprenticeship programs or on-job training. Correspondence training also would be allowed under the new GI bill. In addition, H.R. 3299 would allow work study allowances to be paid under the New GI Bill and VEAP and would terminate VEAP enrollment by limiting entitlement to VEAP benefits to veterans who entered the military service between December 31, 1976, and July 1, 1985.

With regard to the VA's Education Advisory Committee, the bill would make that committee responsible for making recommendations to the Administrator relating to the new GI bill and would name the committee the Veterans' Advisory Committee on Education.

Other provisions of the bill would accomplish the following: extend the basic 10-year eligibility period for VEAP benefits to certain individuals who, due to certain physical or mental incapacitation, were unable to participate in the program; prohibit implementation of any requirement for the submission of term-by-term enrollment certifications; prohibit the payments of benefits under more than one VA administered educational assistance program; bar duplication of educational benefits under chapter 30 (the new GI Bill) and the Hostage Relief Act of 1980; require the VA to provide counseling to veterans who have been rated incompetent before they would be permitted to select an education or training program; create a commission to assess veterans' education policy; provide for measurement of how non-college degree courses are calculated; change how benefits are paid for less-than-half-time students; allow eligible persons under chapter 35 to elect an earlier delimiting date; eliminate a requirement that a parent or guardian complete an education plan for a child eligible for certain educational benefits; change certain reporting requirements for educational institutions to allow the institutions to delay submitting the enrollment certification of eligible VA students enrolled in independent study on a less-than-half time basis; and make various other technical and clerical changes.

Employment

This bill would extend the authority for Veterans' Readjustment Appointments (VRA) through December 31, 1989. This authority expired on September 30, 1986. VRA's enable eligible Vietnam-era veterans to receive veterans' readjustment appointments in accordance with OPM regulations. H.R. 5299 would also prohibit discrimination in hiring due to an applicant's reserve status and extend the Independent Living Services program through the end of FY '89.

Housing Programs

The bill would authorize housing grants to be made to certain service-connected disabled veterans for the purchase of homes already adapted to their special needs. Currently, certain service-connected disabled veterans may receive grants of up to $6,000 to make needed adaptations in their homes. This measure would allow the same assistance to veterans purchasing homes which have already been adapted.

H.R. 5299 contains various provisions aimed at controlling the high rate of default on VA guaranteed loans and reducing the VA's inventory of foreclosed homes. Among those provisions is a requirement that the VA establish credit underwriting standards for use in determining a veteran's ability to repay the loan for which he or she is applying. The standards would be based on debt-to-income ratios. The bill would also make changes in the VA's appraisal process by requiring the Administrator to establish uniform qualifications and standards for property appraisers participating in the Loan Guaranty Program and allowing lenders and veterans to request a second appraisal of a property. Other housing-related provisions would enable the VA to use fee attorneys to foreclose on VA-guaranteed loans without receiving the Attorney General's permission and would authorize the transfer of funds from the Loan Guaranty Revolving Fund (LGRF) to the Direct Loan Revolving Fund (DLRF), for the amount that the Administrator determines is necessary to meet DLRF needs. Finally, the bill expresses the sense of Congress that the 1-percent loan origination fee charged to veterans who use their VA loan guaranty entitlement should not be increased above the current level.

Cemeteries

The bill would require the VA to use upright grave markers in National Cemeteries for interments beginning in 1987, except for cemeteries scheduled to be closed before FY '92 and in sections of cemeteries where flat markers are currently being used. In addition, the bill would authorize the Secretary of the Army to place memorials in Arlington National Cemetery, to honor servicemembers and veterans whose remains are not available for interment but who would otherwise be eligible for burial in Arlington. This would include veterans and service members who are are missing-in-action, or whose remains were not recovered, or were buried at sea or cremated.

The Administrator would be required to submit two reports (due 90 days and 60 months after enactment of this measure) on the National Cemetery System and to include in each a plan for operation of the system through the year 2000, trends through the year 2020, a list of 10 areas which are in the greatest need of additional burial space, and general plans for any anticipated expansion of the system.

The bill also contains a provision that would specify that the VA's authority (under 38 U.S.C., chapter 24) to develop and acquire cemeteries includes, but is not limited to, the authority to acquire land and establish cemeteries in 10 specified States as well as in any State where there is no national cemetery. (The House bill originally would have authorized the Administrator to establish a national cemetery in or near Cleveland, Ohio.) The VA currently has authority to establish cemeteries.

Administrative Provisions

The bill would clarify the requirements for a detailed plan and justification for administrative reorganizations by defining the type of information that a detailed plan and justification must contain for a proposed reorganization, as required by 38 U.S.C. § 210(b)(2). The bill would also require the VA to submit, by March 1, 1987, a plan and schedule for collocating of at least seven VARO's on VAMC grounds.

The bill would make various technical changes to title 38. Among these changes would be the elimination of gender-based language distinctions. Because the laws codified into title 38 contained masculine pronouns intended to refer to persons of either gender, title 38 continues to reflect that language. This bill would replace these masculine pronouns throughout that title with gender-neutral terms. A similar provision is also contained in H.R. 2047.

Certain VA programs would be exempt from the sequestration provisions of Gramm-Rudman (the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. No. 99-177) and any other law requiring similar general reductions in spending. The programs which would be exempted include certain veterans life insurance loans, two self-supporting DM&S revolving funds, certain specially adapted housing benefits, burial benefits for veterans who died due to service-connected causes, and grants for adaptive automobile equipment.

Other provisions would change when the effective date of certain benefits paid to incompetent veterans would be discontinued; require fiduciaries for incompetent or minor VA beneficiaries to provide the VA with financial information and allow the VA to collect debts by offset if the debts are due to a retired service member's failure to make required payments to the Survivor Benefit Plan or the Retired Servicemen's Family Protection Plan.

LEGISLATIVE HISTORY:

May 8, 1986	S. 2422 introduced in the Senate by Sen. Murkowski (R-AK)
July 31	H.R. 5299 introduced in the House by Rep. Montgomery (D-MS)
	H.R. 5299 reported out by the House Committee on Veterans Affairs, H. Rept. No. 99-730
August 4	H.R. 5299 passed the House by voice vote
September 16	S. 2422 reported out by the Senate Committee on Veterans Affairs, S. Rept. No. 99-444

September 30	S. 2422 passed the Senate by voice vote
	S. 2422 incorporated into H.R. 5299
	H.R. 5299 passed the Senate with the text of S. 2422
October 7	House agreed to the Senate amendment to H.R. 5299, with an amendment
October 8	Senate agreed to the House amendment to H.R. 5299

(Note: This bill incorporates certain provisions from the following measures: S. 1887, H.R. 2343, H.R. 2344, H.R. 2788, H.R. 4333, H.R. 4343, H.R. 4384, H.R. 4623, and H.R. 5047.)

H.R. 5313 HUD-Independent Agencies Appropriations Act, 1987

On October 7, 1986, the conference committee reported out H.R. 5313, which would make appropriations for the Department of Housing and Urban Development (HUD), the VA, and 16 other independent agencies for FY '87. The text of this conference report was incorporated into the Continuing Resolution for FY '87 (H.J. Res. 738). The bill would provide VA appropriations as follows:

VA Appropriations, FY '87

Account	House Passed	Senate Passed	Conference Agreement
Compensation & Pension	$14,364,400,000	$14,364,400,000	$14,364,400,000
Readjustment Benefits	741,150,000	741,150,000	741,150,000
Veterans Insurance and Indemnities	4,770,000	4,770,000	4,770,000
Medical Care	9,488,612,000	9,240,176,000	9,411,817,000
Medical and Prosthetic Research	193,915,000	189,915,000	189,915,000
Medical Administration & Miscellaneous Operating Expenses	41,694,000	41,194,000	41,194,000
General Operating Expenses	763,331,000	760,000,000	760,000,000
Construction, Major Projects	382,708,000	291,000,000	382,708,000
Construction, Minor Projects	65,562,000	80,000,000	80,000,000
Parking Garage Revolving Fund (including transfer of funds)	30,000,000	30,000,000	30,000,000
Grants for Construction of State Extended Care Facilities	42,400,000	42,400,000	42,400,000
Grants to the Republic of the Philippines	500,000	500,000	500,000

Compensation and Pension

The Compensation and Pension account would be funded up to $14.36 billion. Both the House and Senate committee reports noted that supplemental funding may be necessary if a proposed cost-of-living increase for compensation and pension benefits is enacted.

Readjustment Benefits

The bill would provide $741.1 million for readjustment benefits such as education, training, and rehabilitation for eligible veterans and servicepersons, and financial educational assistance for eligible dependents and survivors of certain veterans.

Insurance and Indemnities

The Veterans' Insurance and Indemnities appropriation would consist of $4.7 million for military and naval insurance for WWI veterans, National Services Life Insurance for WWII veterans, and servicemen's indemnities for Korean conflict veterans. This account pays for the cost to various insurance funds for "claims traceable to the extra hazards of service and death claims on policies under waivers of premiums while the insured is on active duty" in addition to providing supplemental funds for service disabled veterans insurance funds.

Medical Care

H.R. 5313 would appropriate $9.6 billion, plus reimbursements, to the Medical Care account, which provides medical care and treatment for eligible veterans at VA, State, community, and private sector facilities. Funds from this account are also used to train medical residents and other medical personnel. The conference report indicates that this amount is intended to support an additional 8,848 FTEE (Full Time Employee Equivalent) over the budget request (this would maintain the current hospital staffing level of 193,941 FTEE) and to support 100 FTEE to fund implementation of third-party reimbursement and means test legislation for a total of 199 FTEE to implement these changes. The conference committee instructs that additional personnel needs should be absorbed within the administrative support ceiling or through supplemental funding requests. Further instructions from the conference committee indicate that the VA should achieve $72 million in savings from this account, which should be taken from non-personnel areas so as not to affect patient care. This savings should be achieved in a manner described in the Senate report which recommends reductions in specified areas, including equipment, ADP capital investment, supplies and materials, and land and structures.

The conferees proposed an amendment which would allow the transfer of funds from the Compensation and Pension account to the Medical Care account to meet increased pay costs to maintain an average employment of 194,140 in the Medical Care account, and average employment for administrative support for FY '87 in the medical care account would be limited to a maximum of 37,700.

Medical and Prosthetic Research

The conference agreement would appropriate $189.9 million, plus reimbursements, for medical and prosthetic research. This is the amount passed by the Senate and is intended to support 4,413 FTEE's with the understanding that additional costs needed to support this FTEE level would be the taken from available VA funds, and this FTEE level would not include common service FTEE.

Medical Administration and Miscellaneous Operating Expenses (MAMOE)

The MAMOE account would be appropriated $41.1 million, plus reimbursements. This amount is intended to support 391 FTEE. This account funds the administration and supervision of certain VA medical and continuing training programs

General Operating Expenses (GOE)

The GOE appropriation would be $760 million. The conferees adopted the House passed language which would prohibit closure of the St. Paul Insurance Center in FY '87. (Senate passed language would have blocked the closing until July 1, 1987.) This provision would delay that action until after September 30, 1987, to enable GAO to complete its study of that proposal. The VA has proposed to consolidate that center with the one in Philadelphia.

Major and Minor Construction Projects

The conference report adopts the House passed appropriation level of $382.7 million for the major construction account. In addition, it calls for the major construction projects as contained in House Report No. 99-731. These include the following projects: (1) an outpatient and clinical addition and alterations project at New York City; (2) acquisition of a site for a new VAMC at Palm Beach; (3) the design for a replacement VAMC at Pittsburgh (Aspinwal Division); and (4) a nursing home care unit/parking garage structure in New Orleans.

With regards to minor construction, the conferees adopted the Senate proposed amount of $30 million. The conference report would establish a limitation of expenses of the Office of Facilities of no more than $38 million, as proposed by the Senate. (The House had passed a limitation of $37.8 million.)

Parking Garage Revolving Fund

The Parking Garage Revolving Fund would receive $30 million in funding by this measure. Of this amount, $26 million would be appropriated to the fund and an additional $4 million would be transferred to this account from the Construction, Major Projects account. The Parking Garage Revolving Fund will pay for future parking structures at VA facilities. The conference report contains an amendment that would limit the amount of funds to be transferred from the major and minor construction accounts to the revolving fund to not exceed 10 percent of the funding level for the revolving fund account.

State Extended Care Facilities

With regard to grants for the construction of State extended care facilities, both the House and Senate passed bills that would provide $42.4 million. This account provides grants to help States to construct or acquire State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand or renovate existing State homes for furnishing domiciliary, nursing home, or hospital care to veterans.

VMMC, Manila

Under this measure, appropriations for the Republic of the Philippines would total $300,000, to remain available until September 30, 1988. This appropriation is used for grants to renovate the plant, equipment, and facilities of the Veterans Memorial Medical Center (VMMC) in Manila.

Specially Adapted Housing

The bill would authorize that funds from available resources be used for direct loans to severely disabled veterans for specially adapted housing. According to the House and Senate committee reports, 18 direct loans, amounting to $230,000, are expected to be closed this year. The VA had proposed that the dollar limitation for specially adapted housing direct loans be removed, both the House and Senate committees recommended that the current $1 million limitation be retained.

LEGISLATIVE HISTORY:

July 31, 1986	Introduced in the House by Rep. Boland (D-MA)
	Reported out by the House Committee on Appropriations, H. Rept. No. 99-731
September 12	Passed the House by Roll Call Vote No. 383 -- 293 yeas, 86 nays, 1 present, and 89 not voting
September 25	Reported out by the Senate Committee on Appropriations, S. Rept. No. 99-487
October 2	Passed the Senate, with amendments, by voice vote
	Senate appointed conferees
October 6	House appointed conferees
October 7	Reported out by the Committee of Conference H. Rept. No. 99-977

SENATE BILLS

S. 209 (H.R. 3391) Federal Debt Recovery Act

On March 19, 1986, the Senate passed S. 209, which would authorize the Attorney General to contract with private sector attorneys to collect debts owed the United States. The House passed a similar measure, H.R. 5341, on September 29, 1986, and that measure was incorporated into the Senate bill.

The bill is intended as a cost effective way for agencies to recover delinquent debts. Under S. 209, the referring agency would retain authority to settle a claim or end a collections action, and the contracted attorney would be required to provide monthly reports to the referring agency and the Attorney General.

Under the bill, the Attorney General would make contracts to retain private attorneys who are currently involved in debt collection activities. Agency heads may refer debts to such attorneys for collection. The bill would require that at least 10 percent of the amount of claims referred to private counsel be referred to disadvantaged individuals as set forth by the Small Business Act, 15 U.S.C. § 637(d)(3)(C)(i) and (ii) and other applicable regulations.

This would be a 3 year program, after which time, the Comptroller General would be required to evaluate the program.

LEGISLATIVE HISTORY:

January 21, 1985	S. 209 introduced in the Senate by Sen. D'Amato (R-NY)
March 7, 1986	S. 209 reported out by the Senate Committee on Governmental Affairs, S. Rept. No. 99-256
March 19	S. 209 passed the Senate by Roll Call Vote No. 42 — 93 yeas, 1 nay, and 4 not voting
September 17	H.R. 5341 introduced in the House by Rep. Glickman (D-KS)
September 27	H.R. 5341 reported out by the House Committee on the Judiciary, H. Rept. No. 99-909
September 29	H.R. 5341 passed the House by voice vote and incorporated into S. 209

S. 2864 Department of Labor Executive Level Conforming Amendments of 1986

On October 10, 1986, the House passed S. 2864, which would allow for the reorganization of certain positions in the Department of Labor (DOL) and would create three additional Assistant Secretaries of Labor. Of interest to veterans and the VA, is a provision which would remove the position of the Assistant Secretary of Labor for Veterans' Employment from Level V of the Executive Schedule and create a position entitled Assistant Secretary of Labor for Veterans' Employment and Training under the Executive Schedule, Level IV.

The bill would provide for laws or other documents which refer to the Assistant Secretary of Labor for Veterans' Employment, and are in force when this measure is enacted, to be considered to be referring to the Assistant Secretary of Labor for Veterans' Employment and Training. The bill would also permit the incumbent Assistant Secretary of Labor for Veterans' Employment to serve in the newly created position, if the President so wishes.

LEGISLATIVE HISTORY:

September 24, 1986	Introduced in the Senate by Sen. Hatch (R-UT)
October 10	Passed the Senate by voice vote
October 16	Passed the House by voice vote

S. 2885 Veterans Benefits, Title 38, U.S.C., Amendment

On September 27, 1986, the Senate Committee on Veterans Affairs reported out S. 2885, which would allow for the exemption from sequestration of certain VA programs.

This bill would exempt the following VA programs from sequestration: some benefits based on service-connected disability or death, loans made on insurance policies issued under insurance programs administered by the VA, and payments from the VA's two revolving funds (the Special Therapeutic and Rehabilitation Activities Fund and the Canteen Service Revolving Fund). This bill would also require that, whenever a sequestration order is issued, the Administrator provide a monthly accounting to the House and Senate Committees on Veterans Affairs. This accounting would include information regarding the VA's home loan guaranty program, giving the commitments to date and the estimates of future commitments within the fiscal year.

LEGISLATIVE HISTORY:

September 27, 1986	Introduced in the Senate by Sen. Murkowski (R-AK)
	Reported out by the Senate Committee on Veterans Affairs, S. Rept. No. 99-949

H.J. Res. 36 Memorial to Women Who Have Served in or With the U.S. Armed Forces

On September 17, 1986, the Senate Committee on Energy and Natural Resources reported out H.J. Res. 36, a bill which would authorize the Women in Military Service for America Foundation to erect a memorial to women who have served in or with the Armed Forces. The memorial would recognize the contributions of the many women who have rendered distinguished and honorable service to this nation.

The official history of women in the Armed Forces began in 1901 with the formation of the Army Nurses Corps. However, women have actually been serving with and in the Armed Forces since the Revolutionary War, when 20,000 women were engaged in revolutionary activities. While combat is traditionally limited to males, historically, women have served in dangerous areas, and today they make up 4.1 percent of the veteran population.

Once a sponsoring organization has secured design and construction funds, it will seek approval for a design from the National Capital Planning Commission. After review as to its appropriateness for display on Federal land, a decision on site and maintenance will be made. No Federal funds would be used in the construction of this memorial, and the authority provided by this measure would expire 5 years after enactment of this legislation.

LEGISLATIVE HISTORY:

January 3, 1985	Introduced in the House by Rep. Oakar (D-OH)
October 23	Reported out by the House Committee on House Administration, H. Rept. No. 99-342
November 6	Passed the House, as amended, by Roll Call Vote No. 391 — 405 yeas, 0 nays, 29 not voting
September 17, 1986	Reported out by the Senate Committee on Energy and Natural Resources, S. Rept. No. 99-461

(Note: A similar provision is also contained in H.R. 4330)

H.J. Res. 142 Memorial to Black Revolutionary War Patriots

On September 17, 1986, the Senate Committee on Energy and Natural Resources reported out H.J. Res. 142, a bill which would authorize the Black Revolutionary War Patriots Foundation to establish a memorial to honor the estimated 5,000 courageous slaves and freed blacks who served as soldiers and sailors or provided civilian support during the American Revolution. The memorial would also honor the countless black men, women, and children who escaped slavery or filed petitions with courts and legislatures seeking their freedom.

The memorial, while honoring black patriots who have been dead for over 150 years, would raise the national consciousness toward the little-known contributions of blacks to American Independence. Throughout the nation's history, from the American Revolution to the war in Vietnam, black Americans have fought to gain their own freedom, as well as to preserve the freedom of this Nation.

Once the sponsoring organization has secured design and construction funds, it will seek approval for a design from the National Capital Planning Commission. After review as to its appropriateness for display on Federal land, the decision on site and maintenance will be made. No Federal funds would be used for the construction of this memorial.

LEGISLATIVE HISTORY:

February 7, 1985	Introduced in the House by Rep. Johnson (R-CT)
October 29	Reported out by the House Committee on House Administration, H. Rept. No. 99-940
November 6	Passed the House, as amended, by Roll Call Vote No. 393 -- 408 yeas, 0 nays, 26 not voting
September 17, 1986	Reported out by the Senate Committee on Energy and Natural Resources, S. Rept. No. 99-462

(Note: A similar provision is contained in H.R. 4350)

Public Law No. 99-498 (S. 1965, H.R. 3700) Higher Education Amendments of 1986

On October 17, 1986, the President signed into law S. 1965, the Higher Education Amendments Act of 1986. This law addresses many of the needs of students seeking higher education and of the rising needs of institutions of higher education. A main concern of Congress is to provide equal educational opportunities to all students regardless of race, creed, handicap, national origin, or financial background.

Of interest to the VA, is a provision that renames the Veterans Cost of Instruction Program as the Veterans Educational Outreach Program. This provision allows for Federal assistance to be given to those schools which have enrolled at least 100 veterans as students and which agree to certain requirements. The schools would be required to: (1) make a concentrated effort to maintain a veterans affairs office; (2) help educationally disadvantaged veterans to prepare for postsecondary education; (3) provide outreach services and tutorial assistance programs for veterans; and (4) coordinate school activities with those of other agencies having educational or job training programs aimed at educating veterans.

The other provisions of VA interest in this law deal with classifying income for those applying for grants or aid. VA benefits will be considered as part of untaxed income, and would be added to the student's total income for the purposes of calculating eligibility for educational loans or grants under this law. If students are dependents, VA benefit payments received by their parents would be counted in calculating the parents' total income for the purpose of determining need for financial assistance.

The Senate passed version of S. 1965 originally contained a provision that would allow the Government to deduct from Federal employees paychecks or benefit payments, debts owed to the Government. The VA believes that veterans' benefits should be exempt from this type of attachment, and this provision was not enacted. This Act also contains various technical changes, including some which would affect the VA and title 38.

LEGISLATIVE HISTORY:

November 6, 1985	H.R. 3700 introduced in the House by Rep. Ford (D-WI)
November 20	H.R. 3700 reported out by the House Committee on Education and Labor, H. Rept. No. 99-383
December 4	H.R. 3700 passed the House by Roll Call Vote No. 429 -- 330 yeas, 67 nays, and 17 not voting
December 17	S. 1965 introduced in the Senate by Sen. Stafford (R-VT)
May 13, 1986	S. 1965 reported out by the Senate Committee on Labor and Human Resources, S. Rept. No. 99-296
June 3	S. 1965 passed the Senate by Roll Call Vote No. 110 -- 93 yeas, 1 nay, and 6 not voting
June 17	S. 1965 passed the House with text of H.R. 3700, by voice vote
July 14	Senate conferees appointed
July 29	House conferees appointed

September 26	House agreed to conference report by Roll Call Vote No. 409 — 385 yeas, 25 nays, and 22 not voting
September 25	Senate agreed to conference report by voice vote
October 17	Signed by the President, Pub. L. No. 99-498

Pub. L. No. 99-499 (H.R. 2205) Korean War Memorial Act

On October 17, 1986, President Reagan signed into law H.R. 2205, authorizing the American Battle Monuments Commission to erect a memorial to honor members of the U.S. Armed Forces who served in the Korean War.

More American lives were lost in the 3 years of the Korean War than were lost in the 10 years of the war in Vietnam. Today there are over 5 million surviving Korean War veterans. The sacrifices made by Korean War veterans are often overshadowed by those veterans of World War II and Vietnam.

The first step in the establishment of this memorial is for a sponsoring organization to secure the design and construction funds. Then it will seek approval for the design from the National Capital Planning Commission. After review as to its appropriateness for display on Federal land, a decision on site and maintenance will be made. No Federal funds would be used to construct this monument.

LEGISLATIVE HISTORY:

April 24, 1985	Introduced in the House by Rep. Florio (D-NJ)
October 23	Reported out by the House Committee on House Administration, H. Rept. No. 99-341
November 6	Passed the House, as amended, by Roll Call Vote No. 392 — 406 yeas, 0 nays, and 28 not voting
September 17, 1986	Reported out by the Senate Committee on Energy and Natural Resources, S. Rept. No. 99-439
October 9	Passed the Senate, as amended, by voice vote
October 14	House agreed to Senate amendments
October 17	Presented to the President
	Signed by the President, Pub. L. No. 99-499

Pub. Law No. 99-570 (H.R. 5484, S. 2878) Omnibus Drug Enforcement, Education, and Control Act of 1986

The President signed H.R. 5484 into law on October 27, 1986. This law seeks to improve drug enforcement, education, and research.

Of interest to the VA, is a provision which prohibits VA benefits from being denied to an applicant because the applicant has no fixed mailing address. It further requires the Administrator to prescribe an appropriate method or methods for delivery of monetary VA benefits.

VA Views

Although the Agency's views were not specifically requested on this legislation, the VA did comment on this issue in an oversight hearing on homeless veterans held by the House Veterans Affairs Subcommittee on Education, Training and Employment on September 10, 1986. During questioning by the panel regarding proposed legislation which would remove the absence of a fixed or permanent address as a reason for denying VA benefits, Grady Horton, Deputy Chief Benefits Director for Program Management, testified that the VA does not require that a person live in a home to receive VA benefits. He stated that the VA sends checks to General Delivery at the Post Office, and to friends, family, public and private shelters, schools and charitable organizations on behalf of veterans without homes of their own. In addition, the VA has a provision for direct deposit of checks to a veteran's bank account. In light of these alternatives currently utilized by the VA for check delivery to veterans without homes or fixed addresses, the VA considers legislation prohibiting any requirement for a fixed address and requiring alternative check delivery methods to be unnecessary.

Other Provisions

The Act contains a provision regarding funds to be transferred to the Administrator. These funds are to be used to provide veterans with outpatient treatment, rehabilitation, and counseling, under 38 U.S.C. § 612, alcohol or drug abuse dependency or disability and to contract for care and services under section 620A of title 38 for such disabilities.

LEGISLATIVE HISTORY:

September 8, 1986	H.R. 5484 introduced in the House by Rep. Wright (D-TX)
September 11	H.R. 5484 passed the House by Roll Call Vote No. 378 — 392 yeas, 16 nays, and 23 not voting
September 24	Sections of H.R. 5484 incorporated into H.J.Res 738
September 25	S. 2878 introduced in the Senate by Sen. Dole (R-KS)
September 26	S. 2878 incorporated into H.R. 5484
September 30	S. 2878 passed the Senate, as amended, by Roll Call Vote No. 302 — 97 yeas, 2 nays, and 1 not voting
	Senate appointed conferees
	House appointed conferees
October 8	H.R. 5484 passed the House, with amendments, by Roll Call Vote No. 439 — 391 yeas, 23 nays, and 18 not voting
October 17	H.R. 5484 passed the Senate by voice vote
October 27	Signed by the President, Pub. L. No. 99-570

(Note: This measure incorporates provisions of H.R. 3892, H.R. 4573, H.R. 5103, H.R. 5176, H.R. 5266, H.R. 5267, H.R. 5269, H.R. 5270, H.R. 5281, H.R. 5334, H.R. 5352, H.R. 5378, H.R. 5393, H.R. 5394, and H.R. 5406. Each of these bills addressed the problem of drugs and drug abuse in today's society.)

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